

Message Text

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ACTION DLOS-07

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PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01

PRS-01 SP-03 SS-20 USIA-15 CEQ-02 COA-02 COME-00

EB-11 EPA-04 IO-14 NSF-04 SCI-06 FEA-02 ACDA-19 AEC-11

AGR-20 FMC-04 INT-08 JUSE-00 OMB-01 TRSE-00 OIC-04

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C O N F I D E N T I A L YAOUNDE 1375

E.O. 11652: GDS

TAGS: PBOR, CM

SUBJECT: LAW OF THE SEA

REF: (A) STATE 67032; (B) STATE 74811; (C) STATE 67788;

(D) DEPT'S A-1837; (E) DEPT' S A-2364;

(F) DEPT'S A-1807; (G) DEPT'S A-2196; (H) DEPT'S A-1952

1. SUMMARY. DCM MET WITH CAMEROON'S LOS EXPERT PAUL ENGO
APRIL 30 TO PRESENT US PAPERS AND VIEWS ON PROVISIONAL
APPLICATIONS OF LOS CONVENTION, COMPULSORY DISPUTE SETTLEMENT, ZONE-
LOCKED STATES, MARINE POLLUTION, AND COASTAL SEABED RESOURCES.
ALSO DISCUSSED EXPECTATIONS FOR UPCOMING CARACAS SESSION AND COM-
POSITION OF DELEGATIONS. ENGO'S RESPONSES ESPECIALLY ENCOURAGING
ON PROVISIONAL APPLICATION AND ON CONCEPT RPT CONCEPT OF COMPULSORY
DISPUTE SETTLEMENT, ALTHOUGH HE INDICATED KEY DETAIL OF US PROPOSAL
UNACCEPTABLE RE LATTER.

2. AFTER MAKING POINTS AS PER REF A THAT US READY TO ENGAGE

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IN REAL NEGOTIATIONS AT CARACAS AIMED AT FINAL SETTLEMENT AND HOPED

OTHERS WOULD SEEK REACH AGREEMENT ON LEAST MAJOR OUTLINES OF BROADLY ACCEPTABLE LOS SETTLEMENT, DCM ASKED ENGO WHAT HE FORESAW HAPPENING AT CARACAS. ENGO SAID HE KNEW US WAS READY TO TALK SERIOUSLY. ALSO THOUGHT SOVIETS MIGHT ALSO BE READY FOR SERIOUS TALKS; EXPECTED ANSWERS FROM SOVDEL AT CARACAS TO SPECIFIC QUESTIONS (UNNAMED) WHICH HE HAD POSED TO AMBASSADOR-AT-LARGE TSARAPKIN (EITHER DURING LATTER'S MARCH VISIT TO YAOUNDE OR AT RECENT NAIROBI GROUP OF 77 MEETING). AFRICANS HAD THEIR SUMMIT-LEVEL GUIDANCE, WERE READY TO NEGOTIATE, AND ANY RECALCITRANTS COULD BE BROUGHT INTO LINE. FORESAW MAJOR PROBLEM WITH WESTERN EUROPEANS AND SOME LATIN AMERICANS WHO HAD SERIOUS INTERESTS AT STAKE WHICH NOT YET RECONCILED AMONG SELVES OR WITH DOMESTIC POLITICAL EXIGENCIES. SAID THAT ALL THREE COMMITTEE CHAIRMEN, INCLUDING HIMSELF, WERE ACTIVISTS WHO INTENDED PUSH FOR REAL PROGRESS, BUT CHAIRMAN AGUILAR ESPECIALLY APPALLED AT SCOPE OF UNRESOLVED ISSUES FACING HIS SECOND COMMITTEE. ENGO SAID HE HIMSELF, THOUGH ETERNAL OPTIMIST, FELT IT NECESSARY TO PREPARE FOR NEGOTIATIONS AS PESSIMIST.

3. ENGO EXPRESSED DELIGHT THAT AMB STEVENSON WOULD BE CHAIRING USDEL WITH JOHN MOORE AS VICE CHAIRMAN (REF B) SINCE HE HAD LONG ENJOYED WORKING WITH AND HAD GREAT RESPECT FOR BOTH. COMPOSITION OF CAMDEL, OTHER THAN ENGO HIMSELF, STILL UP IN AIR. ENGO HAS YET TO PUT MATTER TO FONMIN EFON, WHO ALMOST CONSTANTLY AT CONFERENCES ABROAD, AND THEN MATTER WILL HAVE TO FOLLOW USUAL TORTUOUS PATH WITH ULTIMATE DECISION AT PRESIDENCY. POTENTIAL DEL MEMBERS NOT ANXIOUS TO ABSENT THEMSELVES FROM YAOUNDE FOR SUCH A LONG PERIOD. (COMMENT: FROM PAST EXPERIENCE THERE EVERY REASON TO EXPECT THAT DEL WILL BE CHOSEN FAIRLY CLOSE TO CONFERENCE DATE. AT BEST EMBASSY WILL THUS BE ABLE TO PROVIDE ONLY BY LAST-MINUTE CABLE ANY BIO INFO REQUESTED REF C. SINCE ENGO CURRENTLY WORKING SOLO ON LOS MATTERS WITHIN GURC, DELAYED SELECTION OF DELEGATION WILL LIKELY MEAN THAT REST OF DELEGATES WILL ENTER CONFERENCE ONLY SPARSELY INFORMED ON ISSUES AND UNDER ENGO'S STRONG DOMINATION).

4. PROVISIONAL APPLICATION OF LOS CONVENTION (REF D). ONCE HE UNDERSTOOD WE WERE TALKING OF PROVISIONAL APPLICATION OF PARTS OF AN ALREADY NEGOTIATED CONVENTION AND NOT RPT NOT AN INTERIM REGIME, ENGO APPROVED ENTHUSIASTICALLY OF CONCEPT WHICH HE CONFIDENTIAL

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VIEWED AS NECESSARY AND UNCONTROVERSIAL. HE SAW NO RPT NO DOMESTIC LEGAL IMPEDIMENTS IN CAMEROON TO SUCH A PROVISIONAL SYSTEM.

5. COMPULSORY DISPUTE SETTLEMENT (REF E). ENGO AGREED THAT IT IMPERATIVE THAT LOS CONVENTION INCLUDE ADEQUATE PROVISION FOR COMPULSORY DISPUTE SETTLEMENT PROCEDURES AND THOUGHT COUNTRIES GENERALLY WOULD INEVITABLY COME TO ACCEPT THIS CONCEPT. BUT HE FORESAW GREAT

DIFFICULTY IN FINDING ACCEPTABLE FORMULA. SPECIFICALLY, HE CITED SHORTCOMING OF ICJ WHICH HAS NOT INFUSED CONFIDENCE IN LDC'S AND WHICH LDC'S CONSIDER TO BE WEIGHTED AGAINST THEM AND THUS DENYING A "FAIR SHAKE". HE JUDGED US DRAFT ARTICLES ON DISPUTE SETTLEMENT ABSOLUTELY UNACCEPTABLE FOR LDC'S SINCE PROPOSED LOS TRIBUNAL WOULD PERPETUATE SAME IMBALANCE AS EXISTED IN ICJ. THOUGHT IT NECESSARY TO CONCENTRATE MORE ON EFFORT TO FIND ACCEPTABLE FORMULA FOR TRIBUNAL'S COMPOSITION, AND TO THINK THROUGH CAREFULLY TRIBUNAL'S FUNCTIONS, POWERS, BASIS FOR JUDGEMENTS.

6. ZONE-LOCKED STATES (REF F). ENGO SEEMED NOT RPT NOT TO HAVE PREVIOUSLY FOCUSED ON "ZONE-LOCKED" CONCEPT, AND REACTED WITH APPARENT INTEREST AND CONCERN TO EXPLANATION, ESPECIALLY THAT CAMEROON AMONG THE MAJORITY OF COASTAL STATES WHICH WOULD LOSE CONTROL OF ASSURED ACCESS TO OCEAN IF COASTAL STATES WERE TO ESTABLISH OWN VESSEL-SOURCE POLLUTION STANDARDS AS FAR SEAWARD AS 200 MILES. HE INDICATED AGREEMENT WITH US POSITION THAT VERY HIGH INTERNATIONAL STANDARDS NEEDED FOR VESSEL-SOURCE MARINE POLLUTION IN ECONOMIC ZONE, AND STATED AFRICANS NOT LOOKING TO INSTITUTE COASTAL STATE CONTROL IN THIS DOMAIN, BUT RATHER WANTED EFFECTIVE PROTECTION BY BROADER OUTSIDE AUTHORITY.

7. COASTAL SEABED RESOURCE ISSUES (REF G). AFTER ONLY LIMITED DISCUSSION THIS SUBJECT--ASPECTS OF WHICH PREVIOUSLY DISCUSSED WITH ENGOAADCM LEFT PAPERS FOR ENGO'S CONSIDERATION. ENGO REFERRED, AS HE HAD BEFORE, TO POSITION OF AFRICAN LAND-LOCKED STATES AS RAISED IN KAMPALA DECLARATION PRESENTED AT RECENT NAIROBI GROUP OF 77 MEETING (A POSITION TO WHICH ENGO NOT RPT NOT SYMPATHETIC AND WHICH HE POINTS OUT IS NOT RPT NOT WITHIN MANDATE GIVEN BY OAU CHIEFS OF STATE LAST YEAR). HE ALSO
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REMARKED THAT COASTAL FISHERIES ISSUES ARE MORE POIGNANT FOR MOST AFRICAN COUNTRIES THAN NON-LIVING RESOURCES SINCE THE FORMER AFFECT PEOPLE VISIBLY AND NOW.

8. ENGO ACCEPTED COPY OF REPRINT OF STEVENSON/OXMAN ARTICLE (REF H), WHICH HE HAD ALREADY READ, WITH COMMENT THAT IT WAS INDEED MORE THAN A STATEMENT OF US POSITIONS, THAT IT WAS A USEFUL SUMMARY OF PREPARATORY NEGOTIATIONS AND ISSUES, BUT "FROM THE PERSPECTIVE OF AN AMERICAN." HE REMARKED, WITH A TWINKLY IN HIS EYE, THAT IT WOULD READ QUITE DIFFERENTLY IF WRITTEN BY AN AFRICAN.
MOORE

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